



Order Filed on December 5, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-2(c)

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Attorneys for SN Servicing Corporation as servicer
for U.S. Bank Trust National Association as Trustee of
the Lodge Series III Trust

In Re:

Dwight Eric Holmes

Debtor(s)

Case No.:17-12144-JKS

Chapter: 13

Hearing Date:
November 19, 2021

Hon. Judge:
John K. Sherwood

CONSENT ORDER RESOLVING MOTION TO VACATE STAY

The consent order set forth on the following pages, numbered two (2) through four (4), is hereby
ORDERED.

A handwritten signature in black ink, appearing to read "J K Sherwood", is written over a horizontal line.

Honorable John K. Sherwood
United States Bankruptcy Court

DATED: December 5, 2021

Applicant: SN Servicing Corporation as servicer for U.S. Bank Trust National
Association as Trustee of the Lodge Series III Trust
Applicant's Counsel: Friedman Vartolo LLP
Debtor's Counsel: Pro se
Property (Collateral): 376 Hawthorne Street, Orange, NJ 07050
Relief Sought:
• Relief from Automatic Stay

For good cause shown, it is **ORDERED** that Applicant's Motion is resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor(s) is/are overdue for 1 months, from October 1, 2021.
- ☒ The Debtor(s) is/are overdue for 1 payments at \$1,855.75 per month.
- ☒ The Debtor(s) is/are due for \$727.56 in accrued late charges.
- ☒ The Debtor(s) is/are due for \$588.00 in attorney's fees and costs.
- ☒ Applicant acknowledges suspense funds in the amount of \$813.53.

Total Arrearages Due: \$2,357.78

2. Debtor(s) must cure all post-petition arrearages, as follows:

- ☐ Immediate payment shall be made in the amount of _____. Payment shall be made no later than _____.
- ☒ Beginning on November 1, 2021, regular monthly mortgage payments shall continue to be made.
- ☒ Beginning on March 2022, additional monthly cure payments shall be made in the amount of \$1,047.00 for 2 months.
- ☒ Beginning on May 2022, additional monthly cure payments shall be made in the amount of \$263.78 for 1 month.
- ☐ The amount of _____ shall be capitalized in the debtor's Chapter 13 plan. Said amount shall be set up on Trustee's ledger as a separate Claim. Debtor(s) shall file a Modified Plan within 10 days from the entry of this Order to account for the additional arrears to be paid to the secured creditor via Chapter 13 Plan and to adjust monthly payments to the Chapter 13 Trustee accordingly.

3. Payments to the Secured Creditor shall be made to the following address:

Payments: SN Servicing Corporation
P.O. Box 660820
Dallas, TX 75266

4. In the event of default:

☒ Should the Debtor(s) fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post-petition delinquency is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor(s), and Debtor('s) attorney and the court shall enter an Order granting relief from the Automatic Stay.

☒ In the event the Debtor(s) converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtor(s) shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtor(s) fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor(s), and Debtor('s) attorney and the court shall enter an Order granting relief from the Automatic Stay.

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor(s), and Debtor('s) attorney and the court shall enter an Order granting relief from the Automatic Stay


5. Award of Attorney's Fees:

The Applicant is awarded attorney's fees of \$400.00 and costs of \$188.00.

The fees and costs are payable:

- ☒ Attorney's fees and costs have been included in the Consent Order.
- ☐ Through the Chapter 13 plan. The fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.
- ☐ To the Secured Creditor within _____ days
- ☐ Attorney's fees are not awarded.
- ☐ Movant reserves its right to file a Post-Petition Fee Notice for fees and costs incurred in connection with the Motion for Relief.

The undersigned hereby consent to the form and entry of the foregoing order.



Dwight Eric Holmes
Pro se Debtor

/s/ Jonathan Schwalb, Esq.
Jonathan Schwalb, Esq.
Attorney for Secured Creditor

In re:
Dwight Eric Holmes
Debtor

Case No. 17-12144-JKS
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2
Date Rcvd: Dec 06, 2021

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

| Symbol | Definition |
|--------|---|
| + | Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP. |
| ## | Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable. |

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 08, 2021:

| Recip ID | Recipient Name and Address |
|----------|---|
| db | + Dwight Eric Holmes, 376 Hawthorne Street, Orange, NJ 07050-2831 |

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

| Recip ID | Bypass Reason | Name and Address |
|----------|---------------|---|
| aty | ##+ | James H Wolfe, III, 339 Main St Ste 2B, Orange, NJ 07050-2785 |

TOTAL: 0 Undeliverable, 0 Duplicate, 1 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 08, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 6, 2021 at the address(es) listed below:

| Name | Email Address |
|---------------------|---|
| Denise E. Carlon | on behalf of Creditor MTGLQ Investors LP dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com |
| Jonathan C. Schwalb | on behalf of Creditor SN Servicing Corporation bankruptcy@friedmanvartolo.com |
| Jonathan C. Schwalb | on behalf of Creditor SN Servicing Corporation as servicer for U.S. Bank Trust National Association as Trustee of the Lodge Series III Trust bankruptcy@friedmanvartolo.com |

District/off: 0312-2

User: admin

Page 2 of 2

Date Rcvd: Dec 06, 2021

Form ID: pdf903

Total Noticed: 1

Marie-Ann Greenberg

magecf@magtrustee.com

Rebecca Ann Solarz

on behalf of Creditor MTGLQ Investors LP rsolarz@kmlawgroup.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

William M.E. Powers, III

on behalf of Creditor MTGLQ Investors L.P. ecf@powerskirm.com

TOTAL: 7